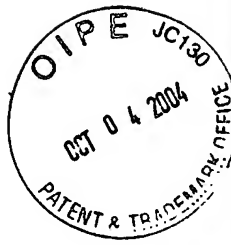


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:
Applicant : Frank Check
Application Serial No.: 10/730,874
Filing Date: : December 9, 2003
Title: METHOD OF AND SYSTEM FOR DETECTING AND
CORRECTING MODE SWITCHING IN DIFFRACTIVE-
BASED LASER SCANNING SYSTEMS
Examiner : n/a
Group Art Unit : 2828
Attorney Docket No. : 108-028USANA0

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

**DECLARATION ACCOMPANYING TRANSMITTAL OF SUBSTITUTE
SPECIFICATION UNDER C.F.R. 1.125**

Sir:

I hereby declare that page 3 of the Substitute Specification transmitted herewith for filing in the above-referenced Application contains no new matter, in accordance with 35 U.S.C. Section 132, and includes changes set forth in the Preliminary Amendment filed December 9, 2003.

The undersigned declares further that all statements made herein are of his own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: September 28, 2004

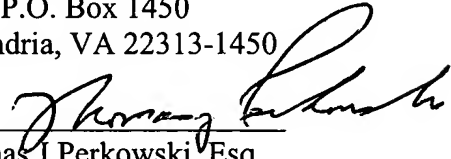
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Thomas J Perkowski, Esq.
Date: September 28, 2004